

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte TONG SUN and JEFF LINDSAY

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Application No. 10/022,823

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on September 16, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below:

Appellant filed an Information Disclosure Statement (IDS) on October 1, 2003. The examiner has not initialed next to each of the references nor signed and dated the 1449 (substitute) as required by the Manual of Patent Examining Procedure (MPEP) § 609 C(2).

According to MPEP § 609 C(2) (Eighth Ed., Rev. 2, May 2004):

Examiners must consider all citations submitted in conformance with the rules and this section, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 . . . provides a clear record of which citations have been considered by the Office. The examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.

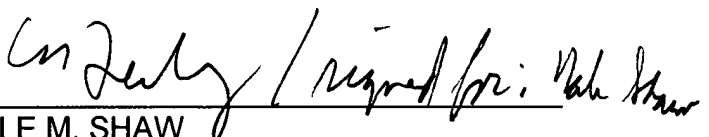
Accordingly, it is

ORDERED that the application is returned to the examiner for

- (1) proper consideration of the IDS filed October 1, 2003,
- (2) notification to appellant in writing of such consideration, and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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DMS/vsh